



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

March 17, 2014

Renee Spears  
Quality Assurance Officer  
State Water Resources Control Board  
1001 I Street  
Sacramento CA 95814

Dear Ms. Spears:

This letter address the State Water Resources Control Board (State Water Board) request of February 12, 2014 to use the two –concentration test design to evaluate toxicity tests using the Test of Significant Toxicity (TST) hypothesis to comply with the Code of Federal Regulations, title 40, section 136.3 and 136.5. The EPA Region 9 Quality Assurance Office (QAO) has reviewed your request, justification and supporting documentation.

I am pleased to inform you that we have determined that the State Water Board's proposed use of the two-concentration toxicity test evaluated using the Test of Significant Toxicity (TST) is an acceptable equivalent under the ATP process to the five-concentration test evaluated using NOEC-LOEC hypothesis testing recommended in 40 CFR Part 136.5. While the results of the TST should generally be similar to those of the NOEC-LOEC test, it improves understanding of discharge condition by correctly identifying toxic and non-toxic samples more often than when using the latter. In summary, we agree that when using the TST statistical approach, the use of the two-concentration is an appropriate test design.

Please note that approval is in this case state-wide, that is, it will apply to all new or revised NPDES permits issued by the State Water Board and Regional Water Quality Control Boards and any EPA-issued California permits that include whole effluent toxicity testing provisions.

Please contact me (415-972-3411) if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Eugenia McNaughton".

Eugenia McNaughton, Ph.D.  
Manager, Quality Assurance Office